

**January 8, 2014**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

***BOARD OF SUPERVISORS  
REGULAR MEETING  
PLANNING AND LAND USE MATTERS***

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, JANUARY 08, 2014, 09:00 A.M.**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:04 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Dave Roberts; Ron Roberts; also David C. Hall, Assistant Clerk of the Board.

Absent: Supervisor Greg Cox

Approval of Statement of Proceedings/Minutes for the meeting of December 4, 2013.

**ACTION:**

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of December 4, 2013.

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

**NOTICE:** THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcountry.ca.gov/cob/bosa/> or in the Office of the Clerk of the Board of Supervisors at the County Administration Center, 1600 Pacific Highway, Room 402, San Diego, CA 92101.

**Board of Supervisors' Agenda Items**

**Agenda #    Subject**

1.        NOTICED PUBLIC HEARING:  
          COMMUNITY SIGNS AND BANNERS IN THE PUBLIC RIGHT-OF-WAY  
          PROGRAM RECOMMENDATIONS; ZONING ORDINANCE AND COUNTY  
          CODE AMENDMENTS (1/8/2014-FIRST READING; 1/29/2014-SECOND  
          READING AND ADOPT RECOMMENDATIONS)
  
2.        ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS  
          FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY  
          DEVELOPMENT FOR THE SPRING VALLEY PARK BASKETBALL COURT  
          REPLACEMENT AND PLAYGROUND IMPROVEMENT PROJECT

3. SALE OF SURPLUS REAL PROPERTY - 0.23 ACRES NEAR HARNESS STREET AND SWEETWATER ROAD, SPRING VALLEY (1/8/2014 - SURPLUS DECLARATION/RESOLUTION OF INTENT TO SELL; 2/5/2014 - BID OPENING) (COUNTY PARCEL NUMBER 2013-0072-A) AND WASHINGTON AND GRUTLY STREETS, SANTA YSABEL, (1/8/2014 - SURPLUS DECLARATION) (COUNTY PARCEL NUMBER 2013-0226-A)  
(4 VOTES)
4. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF THE SWEETWATER LOOP TRAIL SEGMENT 4 REROUTE PROJECT  
[FUNDING SOURCE(S): UNANTICIPATED SETTLEMENT AGREEMENT REVENUE FROM CALTRANS DEPOSITED IN THE PARKS AND RECREATION TRUST FUND]  
(4 VOTES)
5. ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO COUNTY SUPERVISION OF CORRECTIVE ACTION AT CONTAMINATION SITES AND THE RECOVERY OF RELATED COUNTY COSTS (12/4/2013 – FIRST READING; 1/8/2014 SECOND READING)
6. ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: TRAFFIC ADVISORY COMMITTEE RECOMMENDATIONS (12/4/2013 - ADOPT RECOMMENDATIONS; 1/8/2014 - SECOND READING OF ORDINANCE)
7. PUBLIC COMMUNICATION

1. **SUBJECT: NOTICED PUBLIC HEARING:  
COMMUNITY SIGNS AND BANNERS IN THE PUBLIC  
RIGHT-OF-WAY PROGRAM RECOMMENDATIONS;  
ZONING ORDINANCE AND COUNTY CODE  
AMENDMENTS (1/8/2014-FIRST READING; 1/29/2014-  
SECOND READING AND ADOPT RECOMMENDATIONS)  
(DISTRICTS: ALL)**

**OVERVIEW:**

The purpose of this item is to provide the Board of Supervisors with the information necessary to approve a program to allow Community Signs and Banners in the Public Right-of-Way along with Ordinance and Code Amendments, Program Guidelines, and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA).

Several communities expressed a desire to the Board of Supervisors to create and place signage in the County right-of-way. These signs identify and distinguish communities to visitors and neighbors, and establish a greater sense of place and community character. Signs could also provide information to visitors about points of interest, commercial districts, and community events, without sacrificing road safety.

In response, on October 31, 2012 (9), the Board of Supervisors directed the Department of Public Works to initiate outreach with Community Planning and Sponsor Groups, civic groups and external stakeholders in developing technical guidelines and amending relevant ordinances to allow the permitting and installation of certain signs and banners in the public right-of-way and return in one year for program consideration.

Presently, Board Policy J-5, Signage in County Road Rights of Way, does not allow community-oriented signs in the public right-of-way. This program proposes a repeal of Board Policy J-5 and introduces amendments to the Zoning Ordinance and to the County Code that establish new and amended definitions, procedures, and standards for the review and permitting of Community Identification Signs, Community Information Signs (for community event information), Neighborhood and Business Watch Signs, Directional Wayfinding Signs, Temporary Community Event Street-Spanning Banners and Temporary Vertical Pole-Mounted Banners in the public right-of-way.

This action requires two steps. On January 8, 2014, the Board will consider the recommended actions and introduce the Ordinances. If on January 8, 2014, the Board takes the recommended actions, then, on January 29, 2014, the Board will consider and adopt the Ordinances (second reading).

**FISCAL IMPACT:**

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Road Fund. If approved, this request will result in a \$10,000 deposit for each site plan review and a \$125 fee for each community sign or banner application review as part of the existing site plan permit and

encroachment permit review process. This will offset staff cost pursuant to Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery. The permit fees have previously been adopted by the Board. There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

Several communities expressed a desire to the Board of Supervisors to create and place signage in the County right-of-way. These signs identify and distinguish communities to visitors and neighbors, and establish a greater sense of place and community character. Without sacrificing road safety, signs could also provide information to visitors about points of interest, commercial districts, and community events. Economic development was at the core of these requests to direct tourists to local shops and businesses.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

January 8, 2014:

Approve the introduction, read title and waive further reading of the following Ordinances:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, OFF-PREMISE SIGNS, SPECIAL PURPOSE OFF-PREMISE SIGNS, SIGN PERMIT ISSUANCE OR DENIAL AND OTHER MISCELLANEOUS TOPICS (Attachment A).

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY CODE RELATING TO SIGNS, MARQUEES OR AWNINGS OVERHANGING ROAD RIGHTS OF WAY, BANNERS ANNOUNCING NONPROFIT EVENTS, REVOCATION OR SUSPENSION OF PERMITS AND OTHER MISCELLANEOUS TOPICS (Attachment B).

If, on January 8, 2014, the Board takes action as recommended, then on January 29, 2014:

1. Find that the Negative Declaration for the Signs and Banners in Right-of-Way – Zoning Ordinance and County Code Amendments, on file with the Department of Public Works dated October 25, 2013, State Clearinghouse No. 2013071003, was prepared in compliance with the California Environmental Quality Act (CEQA), considered the information therein, together with comments received during public review, and adopt it, finding that it reflects the independent judgment and analysis of the Board of Supervisors (Attachment E).

2. Consider and adopt the following ordinances (second reading):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, OFF-PREMISE SIGNS, SPECIAL PURPOSE OFF-PREMISE SIGNS, SIGN PERMIT ISSUANCE OR DENIAL AND OTHER MISCELLANEOUS TOPICS (Attachment A).

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY CODE RELATING TO SIGNS, MARQUEES OR AWNINGS OVERHANGING ROAD RIGHTS OF WAY, BANNERS ANNOUNCING NONPROFIT EVENTS, REVOCATION OR SUSPENSION OF PERMITS AND OTHER MISCELLANEOUS TOPICS (Attachment B).

3. Following adoption of the ordinances, Repeal Board Policy J-5 titled:

SIGNAGE IN COUNTY ROAD RIGHTS OF WAY (Attachment C).

4. Following adoption of the ordinances, approve the program guidelines document titled:

SAN DIEGO COUNTY COMMUNITY SIGNS AND BANNERS IN THE PUBLIC RIGHT-OF-WAY PROGRAM GUIDELINES (Attachment D).

**ACTION:**

Noting for the record that an errata sheet was submitted; ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, introducing the Ordinances for further Board consideration and adoption on January 29, 2014.

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

2. **SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE SPRING VALLEY PARK BASKETBALL COURT REPLACEMENT AND PLAYGROUND IMPROVEMENT PROJECT (DISTRICT: 2)**

**OVERVIEW:**

The California Department of Housing and Community Development provides grant funds through the Housing-Related Parks (HRP) Program to local government agencies for park land acquisition, development or rehabilitation as a reward for jurisdictions that approve housing affordable to lower-income households. HRP grants are awarded based on successfully meeting grant criteria,

are not competitive and do not require matching funds. The minimum award amount under this program is \$75,000. A project specific resolution from the governing body must be included in the grant application.

This HRP grant program provides bonus funding for parks in disadvantaged communities, for underserved populations and in close proximity to in-fill projects. If approved, the Department of Parks and Recreation (DPR) will submit a grant application for up to \$500,000 to fund reconstruction of an outdoor basketball court, playground improvements and related features within the Spring Valley Community Park in Spring Valley (2012 Thomas Guide 1291, A4). The Spring Valley Park Basketball Court Replacement and Playground Improvement project meets the bonus criteria of the HRP grant and supports the HRP goal of providing funding for parks and recreation projects that benefit the community and add to the quality of life.

This is a request to adopt a resolution authorizing DPR to apply for and accept up to \$500,000 of HRP grant funds for the Spring Valley Park Basketball Court Replacement and Playground Improvement project. This request will also authorize the Director, Department of Parks and Recreation, to conduct all negotiations and to execute and submit all documents necessary to apply for and accept this grant. If grant funds are awarded, DPR will return to the Board for authorization to appropriate funds as necessary.

**FISCAL IMPACT:**

There is no fiscal impact associated with today's action. If approved, the Department of Parks and Recreation (DPR) will submit a grant application to the Housing-Related Park (HRP) Program for up to \$500,000 for the Spring Valley Park Basketball Court Replacement and Playground Improvement project. The HRP grant is non-competitive and does not require matching funds. If approved and grant funds are awarded, DPR will return to the Board to appropriate funds as necessary. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed reconstruction of the basketball court and improvements to the playground are exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302.
2. Adopt the Resolution entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING APPLICATION AND ACCEPTANCE OF HOUSING-RELATED PARKS GRANT FOR THE SPRING VALLEY PARK BASKETBALL COURT REPLACEMENT AND PLAYGROUND IMPROVEMENT PROJECT.

3. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests and, if funds are awarded, to execute the grant agreement, including any extensions or amendments thereof that do not materially impact or alter the grant programs or funding levels.

**ACTION:**

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-005, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING APPLICATION AND ACCEPTANCE OF HOUSING-RELATED PARKS GRANT FOR THE SPRING VALLEY PARK BASKETBALL COURT REPLACEMENT AND PLAYGROUND IMPROVEMENT PROJECT.

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

3. **SUBJECT: SALE OF SURPLUS REAL PROPERTY - 0.23 ACRES NEAR HARNESS STREET AND SWEETWATER ROAD, SPRING VALLEY (1/8/2014 - SURPLUS DECLARATION/ RESOLUTION OF INTENT TO SELL; 2/5/2014 - BID OPENING) (COUNTY PARCEL NUMBER 2013-0072-A) AND WASHINGTON AND GRUTLY STREETS, SANTA YSABEL (1/8/2014 - SURPLUS DECLARATION) (COUNTY PARCEL NUMBER 2013-0226-A) (DISTRICT: 2)**

**OVERVIEW:**

The County of San Diego owns 0.23 acres of land located near Harness Street and Sweetwater Road in the unincorporated community of Spring Valley. The property is identified as County Parcel Number 2013-0072-A and was acquired from the California Transportation Commission as a result of the rerouting of Sweetwater Road during the construction of State Route 125. On February 3, 2005, the California Transportation Commission relinquished collateral facilities for the State Route 125 project and the County agreed to accept title to the property to maintain the frontage road landscape. This vacant land is now considered to be surplus to the County's needs.

The County of San Diego also owns 1.38 acres of land improved with a 3,000 square foot barn at Washington and Grutly Streets in the unincorporated community of Santa Ysabel. The property is identified as County Parcel Number 2013-0226-A and was originally acquired in 1916 by the County's Road Department and was then transferred to the Department of Agriculture, Weights and Measures. A barn located on the property was used by Agriculture, Weights and Measures to store pesticides from the 1930s to 1992. The property was then leased to the Intermountain Fire and Rescue Department from 1992 to 2002. The property is now vacant and considered to be surplus to the County's needs.



Today's request regarding County Parcel Number 2013-0072-A requires two steps. On January 8, 2014, the Board will consider 1) declaring the County Parcel 2013-0072-A surplus to County needs, 2) directing the Clerk of the Board to advertise the County's intent to sell County Parcel 2013-0072-A, and 3) adopting a Resolution declaring its intention to sell the property. If the Board takes the actions recommended on January 8, 2014, then on February 5, 2014, after making necessary environmental findings, the Board of Supervisors is requested to conduct a bid opening and approve the sale of the parcel to the highest bidder. The minimum bid for County Parcel 2013-0072-A is \$35,000.

Today's request regarding County Parcel 2013-0226-A is to declare the property surplus to the County's needs. The County received an offer from a qualified local governmental agency as part of the County's distribution process before the property was made available to the general public, thereby allowing for a sale once the property is declared surplus without having to conduct an auction.

**FISCAL IMPACT:**

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Department of Public Works, Road Fund or the General Fund. If the sale of the properties is approved, this request will result in one-time revenue of at least \$35,000 (the minimum bid) for the sale of the County Parcel 2013-0072-A and \$24,900 for County Parcel 2013-0226-A. The proceeds from the sale of these properties will be deposited to the Department of Public Works, Road Fund (County Parcel 2013-0072-A) and the General Fund (County Parcel 2013-0226-A). Transaction costs for the Department of General Services – Real Estate Services Division are estimated to be \$10,000 per transaction. The transaction costs will be reimbursed from the proceeds from the sale of both properties by the above respective funds. There will be no additional staff years.

**BUSINESS IMPACT STATEMENT:**

If these sales are completed, the sale of the Harness Street property may generate minor business activity if the site is approved for the construction of a new single family residence, and the sale of the Santa Ysabel property will serve the community and region if the barn is used as a new museum site and special event venue.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

On January 8, 2014:

1. Find that the proposed actions are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15312 of the CEQA Guidelines as the first step in the sale of surplus government property.
2. Declare County Parcel 2013-0072-A and County Parcel 2013-0226-A surplus to County needs.

and further for County Parcel 2013-0072-A:

3. Direct the Clerk of the Board to advertise the Notice of Intention to Sell County Parcel 2013-0072-A in accordance with Government Code Section 6063.

4. Approve and adopt the attached Resolution entitled:  
RESOLUTION OF INTENTION TO SELL REAL PROPERTY AND  
NOTICE INVITING BIDS on February 5, 2014. (4 VOTES)

If the Board takes the actions recommended in Items 1-2 above on January 8, 2014, the Department of General Services will facilitate a sale of County Parcel 2013-0226-A and deposit the proceeds into the General Fund. If the Board takes the actions recommended in Items 1-4 above, then on February 5, 2014:

1. Find, in accordance with Section 15312 of the CEQA Guidelines, that the sale of County Parcel 2013-0072-A is categorically exempt from the provisions of CEQA as it is a sale of surplus government property.
2. Conduct the bid opening and approve the sale of County Parcel 2013-0072-A to the highest bidder.
3. Authorize the Director, Department of General Services, to perform all necessary actions to complete the sale of County Parcel 2013-0072-A, including the execution of the escrow instructions and a Grant Deed.
4. Authorize the Auditor and Controller, to deposit all proceeds of the sale of County Parcel 2013-0072-A, net of transaction costs, into the Department of Public Works, Road Fund.

**ACTION:**

Setting the bid opening date to be February 5, 2014, ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-006, entitled: RESOLUTION OF INTENTION TO SELL REAL PROPERTY AND NOTICE INVITING BIDS.

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

4. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND  
AWARD A CONTRACT FOR CONSTRUCTION OF THE  
SWEETWATER LOOP TRAIL SEGMENT 4 REROUTE  
PROJECT (DISTRICTS: 1 & 2)**

**OVERVIEW:**

The 11-mile Sweetwater Reservoir Loop Trail system is located in the communities of Spring Valley and Bonita (Thomas Guide 1291, A-6 and A-7). This trail system links the Sweetwater Reservoir area to existing trails in Bonita and Spring Valley and provides community residents and visitors access to hiking, biking and equestrian trails.

Sweetwater Loop Trail Segment 4 (Segment 4) is an approximately one-mile multi-use trail which also serves as a maintenance road for the Sweetwater Water

Authority (SWA) and the County Water Authority. On April 10, 2013 (5), the Board approved a Revocable License Agreement between the SWA and the Department of Parks and Recreation allowing public access to Segment 4. A portion of Segment 4 has restricted use due to concerns with limited sight distance and conflicts between trail users and maintenance vehicles. The proposed Sweetwater Loop Trail Segment 4 Reroute project will reroute a quarter-mile section of Segment 4 to provide a separate trail to allow unrestricted use of Segment 4.

This is a request to establish appropriations of \$361,000 in Capital Project 1018723, Sweetwater Loop Trail Segment 4 Reroute based on unanticipated Settlement Agreement revenue from Caltrans in the Parks and Recreation trust fund. The requested action will also authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract estimated at \$291,000, including contingency. Remaining project funds of \$70,000 will be used for design, inspection services, construction management, monitoring, environmental permits, and project administration. If approved, construction is expected to begin in fall of 2014 and to be completed in the spring of 2015.

**FISCAL IMPACT:**

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs and revenue of \$361,000 for Capital Project 1018723, Sweetwater Loop Trail Segment 4 Reroute. The funding source is unanticipated Settlement Agreement revenue from Caltrans deposited in the Parks and Recreation trust fund. Construction costs are estimated at \$291,000, including contingency. Remaining project funds of \$70,000 will be used for design, inspection services, construction management, monitoring, environmental permits, and project administration. There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Mitigated Negative Declaration (MND) for the Sweetwater Loop Trail Project, dated October 29, 2008, on file with the Department of Public Works, State Clearinghouse #2008081080 and the Addendum dated November 18, 2013, were completed in compliance with the California Environmental Quality Act (CEQA) and CEQA guidelines and that the Board of Supervisors has reviewed and considered the information contained therein prior to approving the project; and

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously adopted MND, or a substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the MND was adopted.

2. Establish appropriations of \$361,000 in the Capital Outlay Fund for Capital Project 1018723, Sweetwater Loop Trail Segment 4 Reroute based on unanticipated revenue from Settlement Agreement funding from Caltrans. (4 VOTES)

3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Sweetwater Loop Trail Segment 4 Reroute.

**ACTION:**

Noting for the record an additional exhibit was submitted to the Board; ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

5. **SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF  
ORDINANCE: AN ORDINANCE AMENDING THE SAN  
DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
RELATING TO COUNTY SUPERVISION OF CORRECTIVE  
ACTION AT CONTAMINATION SITES AND THE  
RECOVERY OF RELATED COUNTY COSTS (12/4/2013 –  
FIRST READING; 1/8/2014 SECOND READING)  
(DISTRICTS: ALL)**

**OVERVIEW:**

On December 4, 2013 (9), the Board introduced the Ordinance for further consideration and adoption on January 8, 2014.

When a property is contaminated with hazardous wastes and poses a threat to public health and the environment, the responsible party is required to assess the extent of contamination and take actions to clean up the property. Clean-up of a contaminated property is overseen by a Federal, State or Local government agency to ensure regulatory compliance. The State Department of Toxic Substances Control has historically overseen the clean-up of commercial properties where releases of hazardous wastes have occurred. Due to state budget constraints and the reduction of staffing, the Department of Toxic Substances Control has initiated the Corrective Action Delegation Program. This Program allows counties with the expertise and experience in clean-up oversight, as well as has an existing Certified Unified Program Agency delegation, to oversee these commercial cases in the future. The Department of Environmental Health, as a Certified Unified Program Agency, has had regulatory programs in place to effectively oversee the clean-up of contaminated properties for over 25 years and would be able to accept additional cases without additional staffing requirements.

In order for the Department of Environmental Health to oversee these cases, the Department of Toxic Substances Control requires the County to establish a mechanism to ensure costs specific to overseeing the clean-up of these properties can be recovered. The initial deposit is proposed to be established at \$3,692 to cover the average cost of 26 hours.

This is a request to adopt an ordinance amending the County Code to set out the Department of Environmental Health's specific authority for oversight of the clean-up of commercial properties that have had a release of hazardous waste or hazardous constituents and to establish an initial deposit to ensure full cost recovery as required by Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Full Cost Recovery

**FISCAL IMPACT:**

Funds for this request have been included in the Fiscal Year 2013-14 Operational Plan for the Department of Environmental Health. If approved this request will result in costs and revenue estimated at \$22,300 in Fiscal Year 2013-14 and \$45,000 in Fiscal Year 2014-15. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

This program will assist local businesses in the assessment and clean-up of hazardous spills that pose a threat to public health and the environment. The Department of Environmental Health has extensive experience overseeing the clean-up of contaminated properties and has the resources to provide timely review of cases. This allows business owners to more quickly resolve their contamination issues and reduces restrictions on the future use of the property.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Adopt the Ordinance entitled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY  
CODE OF REGULATORY ORDINANCES RELATING TO  
COUNTY SUPERVISION OF CORRECTIVE ACTION AT  
CONTAMINATION SITES AND THE RECOVERY OF  
RELATED COUNTY COSTS.

**ACTION:**

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Ordinance No. 10317 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO COUNTY SUPERVISION OF CORRECTIVE ACTION AT CONTAMINATION SITES AND THE RECOVERY OF RELATED COUNTY COSTS.

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

6. **SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF  
ORDINANCE: TRAFFIC ADVISORY COMMITTEE  
RECOMMENDATIONS (12/4/2013 - ADOPT  
RECOMMENDATIONS; 1/8/2014 - SECOND READING OF  
ORDINANCE) (DISTRICTS: 2 & 5)**

**OVERVIEW:**

On December 4, 2013 (7), the Board introduced the Ordinance for further consideration and adoption on January 8, 2014.

The Traffic Advisory Committee meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Ten items were on the Committee's September 13, 2013 meeting agenda. Item 2-A was continued prior to the meeting at the request of the Crest-Dehesa Community Planning Group. The Committee recommends your action on the remaining nine items.

Your action on Item 2-F would revise the County Code of Regulatory Ordinances and requires two steps. On December 4, 2013, the Board will consider the Traffic Advisory Committee items. If the Board takes action on December 4, 2013, then on January 8, 2014, a second reading of an Ordinance adding Section 72.189.02. to the San Diego County Code of Regulatory Ordinances will be necessary to implement the Board's direction for Item 2-F.

**FISCAL IMPACT:**

Funds for this proposal are included in the Department of Public Works Road Fund Fiscal Year 2013-14 Operational Plan. If approved, there will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

Adopt the Ordinance entitled:

AN ORDINANCE ADDING SECTION 72.189.02. TO THE SAN  
DIEGO COUNTY CODE RELATING TO TRAFFIC  
REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 2-F).

**ACTION:**

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Ordinance No. 10318 (N.S.), entitled: AN ORDINANCE ADDING SECTION 72.189.02. TO THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Item 2-F).

AYES: Jacob, D. Roberts, R. Roberts, Horn

ABSENT: Cox

7. **SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)**

**OVERVIEW:**

Robert Germann spoke to the Board regarding Gillespie Field.

Reginald Tisdale spoke to the Board regarding HIV Planning Council.

**ACTION:**

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:20 a.m. in memory of Loren Nancarrow.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors  
County of San Diego, State of California

Consent: Miller

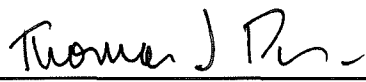
Discussion: Panfil

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, January 29, 2014.

  
\_\_\_\_\_  
DIANNE JACOB  
Chairwoman

Attest:

  
\_\_\_\_\_  
THOMAS J. PASTUSZKA  
Clerk of the Board

01/08/14



